

### REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.116 and in light of the remarks which follow, are respectfully requested.

By the above amendments, claims 43 and 65 have been amended to recite that said biocide reduces sludge growth in said aqueous system, in accordance with the Examiner's suggestion at page 3 of the Official Action. Support for such amendments can be found in the instant specification at least at, for example, page 7, lines 15-24, page 8, line 30 to page 9, line 1, and the examples. Claims 43 and 46 have been amended for readability purposes. Entry of the foregoing amendments is proper at least because they are effective to place the application in condition for allowance. See M.P.E.P. §714.12.

In the Official Action, claims 43-56 and 59-65 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 4,966,716 (*Favstritsky et al*) in view of U.S. Patent No. 5,670,055 (*Yu et al*). Claim 57 stands rejected under 35 U.S.C. §103(a) being obvious over *Favstritsky et al* in view of *Yu et al* and further in view of U.S. Patent No. 6,784,168 (*Jones et al*). Withdrawal of these rejections is respectfully requested for at least the following reasons.

Without addressing the propriety of the Examiner's rationale for maintaining the above rejections, and in an effort to expedite prosecution, independent claims 43 and 65 have been amended to recite that said biocide reduces sludge growth in said aqueous system. In this regard, the Examiner has indicated that such amendments would be effective to place claims 43 and 65 in condition for allowance. See Official Action at page 3. Accordingly, for at least the above reasons, withdrawal of the rejections is respectfully requested.

The dependent claims are allowable at least by virtue of their direct or indirect dependence from independent claim 43. Thus, a detailed discussion of the additional distinguishing features recited in the dependent claims is not set forth at this time.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

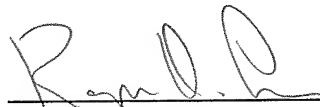
In the event that any additional fees are due with this paper, please charge our Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: April 2, 2010

By:



Roger H. Lee  
Registration No. 46317

**Customer No. 21839**  
703 836 6620